Notice of Allowability    Application No.   Og/316,905   SCHRODER ET AL.				
Notice of Allowability  Examiner  Stephan F, Willett  2142  - The MAILING DATE of this communication appears on the cover sheet with the eorrespondence address—All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. TI NOTICE OF ALLOWABILITY IS NOTA ORANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the in of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to 12/22/05.  2. ☑ The allowed claim(s) is/are 1-22.  3. ☐ The drawings filed on are accepted by the Examiner.  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some* c) ☐ None of the:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **HIST HREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **HIST HREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **INTERNATE MONTH PERIOD IS NOT EXTENDABLE.**  5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE Of INFORMA		Application No.	Applicant(s)	_
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## **DETAILED ACTION**

## Allowable Subject Matter

- 1. Claims 1-22 are allowed.
- 2. The following is an examiner's statement of reasons for allowance: independent claims 1, and 6 teach a network routing system with "a pair of separate paths" that route data with an input router node and a terminal router node which are common to each path that routes data along both paths, preselecting a router on a path and while still routing data on a path, upgrading software by preparing new software from the original software in the preselected router by swapping the new software for the original software without interruption and imperceptibly to the other routers.
- 3. The closest prior art of record does not teach upgrading software in a router specifically while maintaining multiple paths and basing new software on original software. Therefore, independent claims 1, and 6 are allowable over the prior art.
- 4. Claims 2-5, and 7-22 are allowed by the same rational as well as the further limitations added by these dependent claims.
- 5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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## Conclusion

- 1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
- . 2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.
  - 1. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

March 22, 2006

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

Tindrew (alderell